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August 1, 1961

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MEMORANDUM FOR: The Secretary

Here is the additional ribbon copy of my report which I promised you yesterday, for use in case you wish to provide a copy to the President.

*Dean Acheson*

Dean Acheson

Attachment:

Report concerning political  
measures - Berlin crisis. }

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[Declassified upon approval of  
classified attachments "1972 MEE"]

cy 1- Taylor  
cy 2- Kissinger  
cy 3- Rosypow  
cy 4- Leach

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July 31, 1961

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(Declassified upon removal of  
classified information 11/19/76 nsc)

BERLIN

A POLITICAL PROGRAM

PREFACE

My earlier report on Berlin, dated June 28, 1961 gave Khrushchev's purposes in pressing to a 1961 year-end crisis his Berlin demands of November, 1958, as:

1. To stabilize the regime in East Germany and prepare the way for the eventual recognition of the East German regime;
2. To legalize the Eastern frontiers of Germany;
3. To neutralize Berlin as a first step and prepare for its eventual take-over by the GDR;
4. To weaken if not break up the NATO alliance; and,
5. To discredit the United States or at least seriously damage our prestige.

The paper further stated that Khrushchev was now going further than the USSR had ventured since 1948, because he believed that the U.S.A. would not use nuclear weapons to stop him, and could not do so otherwise. The paper suggested a method of altering this belief and inducing in the Kremlin a frame of mind conducive to a settlement conformable to the interests of the U.S.A. and its allies. Steps are under way to attain the capabilities necessary to do this.

The political means and end of this endeavor are outlined here.

First, a word as to the end. The immediate end is simple. Since the world position of the U.S.A., the integrity

of NATO

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of NATO, and the future of Germany and, perhaps, of Europe are drawn in issue by Khrushchev's demands, the immediate purpose of the U.S.A. is to frustrate them. Another end of very great importance is to do this without precipitating nuclear war.

The more distant end is the one which this Government has sought in Europe since the late 1940s. It is to begin the stabilization of the free world by the stabilization of Europe. This stabilization should ultimately involve (i) the de-Sovietization of East Germany; (ii) the countries of Eastern Europe regaining a substantial national identity; (iii) limiting armaments so that the possibility of successful offensive action, either way, in Europe will be greatly reduced.

This is a long-term aim; there is no sensible short-cut. But progress toward this long-term aim may be facilitated if we can (i) use the Berlin crisis to develop and put forward sensible proposals regarding Germany and European security (ii) obtain, at the conclusion of that crisis, an acceptance and stabilization of the status quo in Berlin, without sacrifice of Allied rights, with perhaps some machinery for continuing negotiations about Germany and European security. Unless Khrushchev is foolish enough to commit his prestige to forcing the allies to accept his terms, he ought not to find this impossible. We probably cannot attain more, i.e., force him to accept something which is worse for him than the status quo, without war. We should not give him more, i.e., something which would be worse for us than the status quo, "to save his face." As will be seen the status quo can be garnished without sacrifice, if that seems necessary, at the proper time.

Second, a general word about political means in reaching the end just outlined.

Means should be adjusted to the various periods into which the Berlin operation seems likely to fall. While each will merge into the one following it, three phases with distinctive characteristics seem probable:

Phase I:

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Phase I: The phase of preliminary jockeying until after the German elections. During this time a forthcoming posture toward negotiations is required, without translating this posture into such specific and novel proposals as would cause alarm and division in Germany. During this period a vigorous effort should be made to lay our case regarding Berlin before the world and to concert with our allies about the specific political steps that will be required after the German elections. A Western call for a Foreign Ministers' Conference will be necessary during this Phase.

Phase II: The phase of open and formal negotiation, between the German elections and the conclusion of any peace treaty between the Soviet Union and East Germany. For the start of this phase what is needed is a counter proposal to Khrushchev's proposed conference for treaties with either one or both of the two Germanys. The essentials of the counter proposal are that:

- (a) as put forward, it should make no major concessions;
- (b) it should have something of novelty and more of appeal to allied and neutral opinion; and
- (c) it should be capable of being added to later on if the USSR appears willing to negotiate in earnest.

Specific suggestions are made in Section II of this paper as to what the content of this counter-proposal should be and as to how it might be expanded, as the negotiations progress, so as to provide a basis for agreement.

Phase III: The period following the signing of a peace treaty between the USSR and the GDR, if this occurs. In the event an agreement safeguarding the Western position

in Berlin

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in Berlin has already been achieved, this Phase can be viewed with some equanimity. If not, this Phase will be a dangerous one and the political keynote should be calm constancy - neither retreating under pressure from the bedrock positions which we will have previously developed nor increasing our demands on account of heightened tensions. Such a firm and consistent political posture will hold the best chance of achieving a peaceful settlement in this Phase.

These general principles are given body in succeeding sections of this paper.

PHASE I: UNTIL THE GERMAN ELECTIONS

1. Propaganda. This is the time to launch our propaganda campaign regarding Berlin with vigor and effect. If we can move free world opinion to our side, the Soviets will be less likely to expect us to be inhibited by that opinion in resisting their pressures, and they will reckon the political costs of those pressures in determining their future actions. The themes of our propaganda campaign should be simple:

First, Freedom: In the name of creating a Free City, the Soviets are trying to deprive two million West Berliners of the freedom they already possess.

Second, Peace: In the name of creating a peace treaty with Germany, they are threatening the peace that already abounds in Germany.

Third, the Defaulting Trustee: World War II left the Four Powers as trustees of Germany and Berlin. The three Western powers have fulfilled the terms of the trust; the Soviet Union has not only defaulted on those terms but has absconded with the assets.

Fourth, Self-Determination: The principle of self-determination is basically what stands between the Soviets and ourselves. We want the people of Berlin and Germany to have the right of self-determination. They don't.

We have not even begun to exploit those themes.

Imagine what the Communists would do to damage our position in every part of the world, if we mounted as bald and cynical an aggression as they are now undertaking against Berlin. We could expect "save-Berlin" committees to spring up in many countries. Resolutions demanding justice for Berlin would converge on us. Demonstrations

against

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against U. S. Embassies in many countries could be expected. Delegations from all sorts of legal and humanitarian organizations would be sent to Berlin, and their reports on the threat to freedom would be widely publicized. It is probable that such a campaign would weaken our alliances and have a real impact on uncommitted opinion throughout the world.

We can hardly be said to have risen to the opportunity which the Communists have thus presented us.

This may be due, in part, to the fact that we have tried to exploit it with the normal resources of the government. They are not adequate to the task. Unusual measures are required in this, as in most other fields of Berlin planning.

There is at present, for example, no person of eminence in the Government whose only task is to arouse the world to Soviet iniquity regarding Berlin and who seeks to spur new and unorthodox activities of the Government to this end. We recommend that such a person be appointed as a special assistant to the Secretary of State. He should have a flair for propaganda and considerable background in the tangled problem of Berlin. Such a person is the late Assistant Secretary for Policy Planning, Gerard C. Smith.

2. Concerting with our Allies. Phase I is also the time for agreement with our allies on the moves following the German elections. Such moves are suggested later in this paper. No time should be lost in agreeing on them with our allies.

The first proposal is the calling of a Four Power Foreign Ministers' Conference to convene in October or November. The call should be made in time to avoid discussing Berlin in the UN General Assembly which opens September 19. UN consideration of the issue would not be in our interest at this stage. The mere fact of that consideration would slow Western

military

military preparations and inhibit serious political moves. To keep the Berlin issue out of the UN, a Four Power negotiation should be pending before the GA convenes. A Western proposal for such negotiation before the German elections would be more likely to strengthen than weaken the Chancellor's position, provided we do not go into premature public detail about the proposals to be advanced at the Conference.

In proposing a Four Power Conference, the Four Powers should suggest that it be so constituted, in view of the gravity of the occasion, as to be an effective forum for negotiation, rather than propaganda. They should, therefore, propose that its sessions be attended only by each Foreign Minister and one adviser. As a fall-back, they might be prepared to accept the 1959 Geneva position - a great claue of attendants, including West and East German "advisers" - on the understanding that the serious business of the Conference would be handled in more restricted sessions.

3. The International Court of Justice. We should make no further proposals to submit our right to be in Berlin - and to stay there - to the World Court. This proposal does not make the same impression abroad as it does in the United States. Many Americans are in the grip of the illusion inherent in the American Bar Association slogan "World peace through world law". No one else is; and we really do not believe it, either. Vital issues are political issues and are not judiciable. As we shall see, there is no "law" on these subjects; and no nation will accept third party adjudication - in effect arbitration - on matters affecting their world position and/or their vital interests. Nehru would not arbitrate Kashmir; or Sukarno, West New Guinea; or Nasser or Eden, Suez; or de Gaulle or the FLN, Algerian independence or their claims to the Sahara; or Khrushchev, Berlin. For us to do so means to the world that if the Court should take jurisdiction and decide that we had no rights in Berlin, we would be willing to accept the decision.

This,

This, in turn, means to others that we cannot care very much one way or the other.

To have made the challenge once gets out of the proposal any good there is in it. To push it further will expose its phoney aspect. The Court would not accept jurisdiction on our request over Soviet objection. An advisory opinion could only be obtained, if at all, on the request of the Security Council, where the USSR would veto it; or, of the General Assembly, where the requisite majority would be improbable, if the Communist bloc objected and if all the Afro-Asians and Latinos saw, as they would, the implications for them in a court decision being obtainable on some of their shenanigans - Castro's, for instance.

Finally, when we talk about our "legal" rights in Berlin - and when the Russians talk about the "legal" effect of their proposed treaty on our "legal" claims, neither of us mean that there are any accepted rules or judicial decisions applicable to the issues raised. What we are doing is to gild our positions with an ethos derived from very general moral principles which have affected legal doctrines. On our side, the gilt is the morally binding effect of agreements. On the Russian side the gilt is that the moral effect of an agreement is affected by time and changed conditions--for instance, upon restrictive covenants not to sell land to persons of color. No "law" determines which of these moral values shall triumph in a specific case.

In the case of Berlin to stress our willingness to accept judge-made law would be either a sign of indifference or a fraud.

4. Quiet Approach to Soviets. Paragraph 10 of the "Memorandum on Measures for Dealing with the Berlin Situation" which was given to the British, French, and German Ambassadors on July 21 suggests the value of an early, informal, and quiet talk with some Soviet official to warn of the dangers of rigid positions, and suggests the advantage of keeping

open

open opportunities to maintain the status quo.

This approach should be made toward the end of the first phase, or the beginning of the second phase, before the Soviets are locked into courses which will be difficult for them to reverse.

We should use a special channel for this purpose, to emphasize the gravity of the matter and to keep the approach out of the normal line of diplomatic fire. This tactic was successfully used in the talks with Malik (then Soviet representative to the UN) which led to ending of the Berlin blockade and to armistice negotiations in Korea.

For instance, Mr. Bohlen might speak to a representative of the Soviet Government along these lines: "We are strengthening our position against the contingency of trouble over Berlin, will continue to do so as the crisis deepens. Do not doubt that our most vital interests and prestige are engaged. But do not doubt also that this course of action is not of our making. It is not we who are attempting to change an existing peaceful situation. Whenever the Soviet Government wishes to end the crisis which it has created, we are prepared to make this possible."

We should go no further unless the Soviet Government responds constructively. If it should do so, we should accept reciprocal Western and Communist declarations that existing access procedures should be maintained after a peace treaty, regardless of who performs them. This is the essence of what has come to be known as "Solution C."

It is barely possible that the Soviets might wish to end the crisis in this way soon. It is more likely that they would not. Even so, the approach would have been useful, since the Soviets would know that serious talks were open to them as the crisis deepened. It is essential that this approach should have all the appearance of informality and privacy, and should thus be kept absolutely secret - even from our allies.

PHASE II: PERIOD BETWEEN GERMAN  
ELECTIONS AND A PEACE TREATY

1. Four Power Foreign Ministers' Conference. The agenda for a Foreign Ministers' Conference should be brief and non-controversial, e.g., "a peaceful settlement of the questions of Germany and Berlin." Our opening stance at this Conference should meet three requirements:

- (a) It should not give away anything of value.
- (b) It should have sufficient of the novel to draw favorable comment in the free world.
- (c) It should be susceptible of later expansion or contraction, so as to serve as a basis for serious negotiations - if these become possible.

2. Western Peace Plan. These requirements would be best met by changes in three major aspects of the Western Peace Plan: ?

(a) Berlin: The present proposal for an all-Berlin solution in Stage I should be replaced by a more realistic Berlin proposal: The Four Powers declare that they will maintain the status quo in Berlin pending reunification. In the meantime, Berlin would be the headquarters of the Mixed Committee and the all-German Assembly called for in the Peace Plan.

(b) Mixed German Committee: The functions of the Mixed German Committee, which is designed to promote all-German contacts and unity, should be expanded to include the promotion of mutually beneficial trade and credits between the two parts of Germany, with a clear implication that this would involve increased

West German

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West German credits to the GDR. Given the present parlous state of East Germany, this would seem a generous and appealing gesture by the West, and might help to slow down the flow of refugees. In addition, the Peace Plan's existing provision that alternative electoral laws must be submitted by the Mixed Committee to the German people for vote after a period of one year, if the Committee cannot agree on a single law during this period, should be deleted; leaving only the provision that if the Mixed Committee cannot agree on a single law in thirty months the Four Powers should then determine its disposition. This would somewhat extend the period within which the Mixed Committee would be a forum for serious negotiation and discussion between West and East German officials, and pave the way for the further extension contemplated by Ambassador Thompson. (See paragraph 4, below).

(c) European Security: The disarmament and European security provisions of the Western Peace Plan are out of date. They should be replaced by a proposal to create a Standing Four Power Commission (with German advisers, if necessary), which would negotiate about arrangements to maintain security and to safeguard against surprise attack in Europe. These arrangements would come into force at appropriate stages of the Peace Plan, as might be agreed in the Four Power Commission. In making this proposal, we would suggest immediate conclusion of a non-aggression pact between the Four Powers. Considerable emphasis would be placed on this suggestion: Europe is faced with a clear threat of war over the threat of a unilateral change in the status of Berlin; the first item of business is to dispose of these two threats. The non-aggression pact would be co-terminous with and contingent on the Berlin arrangement proposed under (a), above. Upon German unity, it would be replaced by more permanent security

arrangements

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arrangements agreed to in the Four Power Commission.

3. Negotiation. These changes would not make the Western Peace Plan acceptable to the Kremlin. They would, however, be sufficiently novel and reasonable as to make it difficult for the USSR to dismiss them out of hand. We should try to spin out the negotiations about these proposals, as long as we could.

(a) This would enable us to spell out our position on German unity in sufficient detail as possibly to convince some elements of the Soviet leadership that unification could be secured, if they wished, on a basis that would not injure their security. This might have some long-term influence on Soviet policy.

(b) Our position on the question of German unity is better than that of the Soviets in terms of popular appeal. The longer we can publicly debate this question, the better for us from a propaganda standpoint.

(c) Prolonged negotiations would give us time in which to carry forward our military preparations, which might affect Soviet intentions.

4. Next Steps. When we had strung out this negotiation for all it was worth, we would have to decide whether the Soviet attitude had been sufficiently affected by our political and military posture to make genuine negotiation feasible. If so, we should move toward our real negotiating positions, which would involve the following amplification on each of the three above changes in the Western Peace Plan:

(a) Berlin: The Berlin proposal in the Western Peace Plan should be expanded to provide for declarations that activities which threaten peace or the interests of other parties would - consistent with fundamental human rights and freedoms - be avoided in Berlin, plus perhaps a general undertaking to discourage excessive movements of

population,

population, so long as reasonable freedom of movement is permitted within the city, including freedom to live in one part and work in another without economic or other penalty. We should try to bargain for some form of international control over the access routes in return for these and the further concessions indicated below.

(b) Mixed German Committee: The life of the Mixed German Committee should be extended to seven years, as Ambassador Thompson has proposed. The future of the Mixed Committee thereafter, if it had reached no agreement on German unity in the meantime, would be decided by the Four Powers - as in the existing Peace Plan. This would permit West and German official representatives to talk to each other about the electoral law and about increased contacts, trade, etc., for a considerable period, without any irrevocable commitment to unity at the end of this period, and with a consequent enhancement of the stature of the GDR. (While we should not enhance that stature by having US, UK, and French officials talk with the GDR, West German contacts are a different matter - given their long history).

(c) European Security: The Western powers would indicate that they were prepared to discuss the following measures in connection with the work of the Four Power Commission envisaged in the revised Western Peace Plan: (i) a zone of inspection against surprise attack in Europe, with the possibility of eventual limitations on forces in this zone being left open; (ii) a declaration by the Western Powers recognizing the Oder-Neisse frontier; (iii) a declaration by the Federal Republic indicating its intention not to produce or acquire nuclear warheads; (iv) unilateral declarations by the Four Powers not to deploy MRBM's in Germany (we have no intention of doing this anyway). These or any other measures agreed to in the Four Power Commission would - like the continued evidence of the Mixed German Committee - be dependent on fulfillment of the Berlin arrangements referred to under (a), above.

## 5. Further

5. Further Negotiation. Several variants of further negotiations might be envisaged, depending on reactions to these proposals:

(a) Early Agreement. The Foreign Ministers might themselves seek early agreement on the revised Western Peace Plan. If they made good progress, they could persevere and leave to a Summit the task of consummating final agreement on that Plan. Such agreement is not wholly inconceivable; the idea of setting up a Mixed Committee to handle German matters and a Four Power Commission to consider European security might have considerable attraction for the Soviets, even in return for their leaving the Berlin status quo untouched. In this case, of course, no peace treaty between the USSR and East Germany would be concluded - at least for the seven years in which the Mixed Committee would function.

(b) Continuing Negotiation. The Foreign Ministers might conclude that the negotiation was too complex and time-consuming for them, and set up the Four Power Commission to negotiate further about all these aspects of the Western Peace Plan, not merely about European security and safeguards against surprise attack in Europe. This might result in a negotiation as prolonged as that which led to the Treaty of Westphalia; indeed, the Commission might become a standing feature of the international scene and the Berlin crisis might tend to be subsumed in its larger deliberations. Again, no treaty would be concluded between the USSR and East Germany, at least so long as these deliberations continued.

(c) Peace Treaty. The Soviet Union might be indisposed to postpone a peace treaty with the GDR, but indicate a desire to continue negotiating in the Four Power Commission about some of our proposals (e.g., regarding European security and a Mixed German Committee) as separate items, after a treaty is concluded. Our posture, in this case, should be that negotiations about these subjects

must

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must hinge on an agreement first being reached which will protect our position in Berlin against the effects of the intended Soviet peace treaty. For this purpose, we should propose the reciprocal declarations which have come to be known as Solution "C". These declarations would leave each side free to reserve its position regarding the juridical status of Berlin; have the East Germans declare that they would maintain existing access procedures; and have the Western powers declare that they would deal with East German personnel on this basis, avoid subversive activities, not increase their forces, etc. (A simplified version is set forth at Tab B.) Once such an agreement had been reached we would be prepared, despite a Soviet-GDR peace treaty, to go ahead with establishment of the Four Power Commission to discuss matters German and European.

6. The Political Side of Military Arrangement.

Phase II would also be the time for political discussions with our allies, to persuade them to take the following steps in connection with the Berlin crisis:

(a) To agree to place appropriate forces under NATO command and operational control at an appropriate time before military action, so that SACEUR could order these forces into position.

(b) To agree to the use of these forces by NATO in an agreed military operation which is part of an agreed program of action to preserve allied rights in Berlin and allied security in Europe.

(c) To agree to a political command structure to give the Supreme Commander orders through a military channel.

The negotiations of these steps should not be started in the Phase I for three reasons.

First, the Germans will find it difficult to negotiate before the election.

Second, in all probability, US proposals for the military

operation -

operation - allowing for the process of JCS preparation, Department of Defense review, and Presidential approval - will not be completed until about the middle of September. Our allies are not likely to be willing to turn substantial forces over to a Supreme Commander, to agree that they may be used in a military operation, and to agree to a political command structure unless they know what the operation is to be and are able to judge of its effect.

Third, our allies will also want to know the larger program for dealing with the whole Berlin crisis in all its phases, negotiation, economic pressure, pressures of other sorts, as well as military action. Development and discussion of this larger program with our allies will take time.

At some point in Phase II, however, these prerequisites will be behind us, and it should be possible usefully to discuss the politico-military proposals indicated under (a)-(c), above, with our allies.

The political command structure will require the most delicate negotiation of all. Only the President, with the efforts of the Secretary of State and Defense, can handle this. What is recommended here is that the NATO Council, with the authorization of their Governments, or at least with the authorization of the governments whose forces are represented in the Central Command, should delegate the direction of the operation to a war council consisting of the United States, France, Germany, and Great Britain, and that this war council delegate the executive command to the President of the United States, who would communicate to the Supreme Commander through his Chiefs of Staff.

If this could be arranged, it would combine the Command procedures which were adopted in World War II and in the Korean War. It will be recalled that in World War II, the basic strategic decisions were made by President Roosevelt

and Prime

and Prime Minister Churchill, advised by the combined Chiefs of Staff, or, more realistically, each advised by his own Chiefs of Staff, and the resulting decisions then coordinated through the combined Chiefs of Staff. When coordination with the Russians became necessary, Stalin joined the conferences which laid down the basic strategy. But the Russian staff never entered into joint command relations with the combined staffs of the United States and the United Kingdom.

In the Korean War, where there were more participants, although the overwhelming proportion of the force was United States and Korean, the United Nations delegated to the United States the command function for the United Nations. Thereafter, General MacArthur--in theory at least--operated as and under the controls of an American Theatre Commander. The State Department was charged with continuing consultation with the other governments having forces in the United Nations Command through their Ambassadors in Washington.

If our NATO allies could be persuaded to adopt the recommendation made above, the net effect of it would be that President Kennedy would consult, so long as that was possible, with Adenauer, de Gaulle, and Macmillan, on such major strategic questions as when to begin military operations, when to break them off, and when to escalate them. The United States Chiefs of Staff, who would issue the military orders, would consult with the tripartite NATO military Standing Group (General Heusinger is an ex officio member) here in Washington.

If some such arrangements are not worked out, the Supreme Commander in Europe will be put in the position of conferring directly with the Heads of Governments and reaching his own interpretation of their direction. In other words, for practical purposes he would be under no civilian or governmental control. I have no doubt that he, as well as the governments concerned, would believe that this imposed greater responsibility upon him than any field commander should carry.

## 7. Allied

7. Allied Attitudes. Negotiation of these politico-military arrangements with our allies will be difficult, but no more difficult than negotiation of some of the political proposals suggested earlier. The Germans and, to a lesser degree, the French will be highly resistant to some of these proposed changes in the Peace Plan. Given the degree in which the Chancellor and General de Gaulle dominate the actions of their governments in the foreign field, it is doubtful whether German and French agreement can be secured except through direct talks between the heads of government. At some point before the Foreign Ministers' Conference such talks will be necessary. Indeed, it may be that two rounds of talks will be required: One to agree on what needs to be done and give directives to the Foreign Ministers to spell out the details, and another to review and approve their work. The amount of time and persuasion which will be required to move the Chancellor and General de Gaulle should not be underestimated. The task may be slightly eased, however, by the fact that we will be concurrently discussing the proposed military operation and command arrangements with them. As the Chancellor, in particular, contemplates the specific alternative to successful negotiations his attitude may mellow.

PHASE III:

PHASE III: AFTER A TREATY

1. Two alternative assumptions may be made:

(a) That negotiations concerning a Berlin agreement have prospered, but that negotiations concerning the Western Peace Plan have failed and the Soviets therefore proceed to sign a peace treaty. In this case, our attitude toward the treaty should be more one of sorrow than of anger: We should denounce its signature, but keep the denunciation in low key since our basic purpose-preserving the status quo in Berlin - will have been achieved through prior agreement.

(b) An alternative assumption is that the Soviets sign a treaty after failure of negotiations concerning Berlin, as well as concerning the Western Peace Plan. The rest of this section discusses U.S. policy under this assumption.

2. We should prepare well in advance for this contingency:

(a) by discounting the treaty and thus minimizing the damage that its signing will do to our prestige:

(b) by making clear that we will allow East German personnel to perform access functions identical to those which have been performed by the Soviets. This announcement should not be too long delayed, lest it appear a last minute retreat in the face of pressure.

3. If the East German regime insists, after a treaty has been signed, that new access procedures be agreed to in formal negotiations between the GDR and the Western powers, the latter should refuse. They should state that the access procedures are a matter of right which are not subject to negotiations: They have consistently refused to negotiate any change in these procedures with the Soviets, and they see no reason to treat the East Germans differently.

4. The Western

4. The Western powers should also make clear that they remain ready to engage in the exchange of unilateral declarations called for by Solution "C" (which would include a declaration by the East Germans that they intend to continue existing procedures unchanged and reciprocal statements, which take note of that declaration, by the Western powers).

5. If the East Germans should ask to negotiate about the wording of these reciprocal declarations, the Western powers should request the West Germans to serve as intermediaries in bringing GDR views to the attention of the Western powers and in conveying the intentions of the Western powers to the GDR. If this is refused, the Western powers should be willing to receive proposals through the USSR and to reconvene a Four Power Conference to discuss the matter with the USSR.

6. At such a Conference, our position should be governed by the principles and proposal set forth under II, above. To go further would be to concede, under threat, something we would otherwise have refused. This would encourage the Soviets and the GDR to view crisis-promotion as a productive and rewarding occupation.

7. If the East Germans refuse to permit Western military traffic to continue without direct and formal negotiation with them, we should go to a garrison airlift - while continuing each day to present our vehicles for passage on the ground in order to maintain our claim to ground access.

8. The Communists could then either:

(a) let the garrison airlift go on, in which case their objective would not have been achieved;

(b) extend the blockage to civil access, in which case we would mount a civil airlift.

(c) use force against the airlift, in which case we would use counter-force, wherever this could most effectively be applied;

(d) negotiate

(d) negotiate.

9. Whichever one of these options was chosen, our political posture should remain the same: We should be willing (i) to close out the crisis at any time that the East Germans would permit our traffic to move under pre-treaty procedures; (ii) to exchange reciprocal declarations with the GDR concerning those procedures; (iii) to negotiate with the USSR about the question of Germany and Berlin in a Four Power Foreign Ministers' Conference. We should not raise our asking price because the crisis had deepened; this would vastly increase the chances of war.

10. It is always possible, of course, that the crisis would develop, e.g., by triggering an East German uprising, in a way which would convince both sides that restoration of the status quo ante was infeasible. In this case, proposals involving more rapid and radical change than those described under II, above, might be required to create a viable situation. We should, in the innermost recesses of the U.S. Government, develop proposals looking to quick, drastic and constructive change in Central Europe, which could be brought forward in this event.

11. Looming over all these events will be the United Nations - interested, agitated, impotent. It is not in our interest to hasten UN consideration of the Berlin issue. If a Foreign Ministers' Conference fails and the Soviets seem disposed to unilateral action, however, UN interest will become uncontrollable.

It would be better for the West if the issue were first raised in the Security Council, rather than the General Assembly, since debate will be more manageable in the Council. If some other country were about to bring the matter before the General Assembly, U.S. action in the Council might be necessary. This might take the form of a proposal that the Council call on the parties concerned not to take unilateral action to alter the status of Berlin or the access routes

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and to negotiate a peaceful settlement of the issue. If the East Germans nonetheless proceeded to block our access, we might then seek a further resolution calling on the parties concerned to restore the situation which had existed prior to their action.

These resolutions would both command impressive majorities and be vetoed by the USSR. These facts would not be harmful as we prepared for forceful action to fulfill what was clearly the manifest will of a majority of the Council - a will which the Communists would be flagrantly disregarding.

There might at this point be general urging that the U.S. should go from the Council to the Assembly, before using force. If we disregarded that urging some other country might - after Security Council action had been concluded - bring the matter before the Assembly.

Our posture in any Assembly consideration of the issue should be the same as in the Council. Reactions to that posture would be more diverse in the Assembly than in the Council, but Council action would have set a helpful precedent; we should hold to that precedent and urge our friends to do the same. We should not be delayed or deflected by GA debate from courses determined upon to meet GDR blockage of access to Berlin.

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Tab A

Western Peace Plan  
(For Initial Presentation at Foreign Ministers' Conference)  
(New Language Underlined)

STAGE I

1. The Four Powers would establish a Four Power Commission for consultation among the parties to supervise the implementation of the agreement and to settle any disputes which might arise before the conclusion of a peace settlement with a reunified Germany and to discuss European security arrangements as provided below. (A fall-back position would be to attach German "advisers" to this Commission.)

2. With regard to Berlin, the Four Powers would agree that:

(a) The existing situation would be maintained in Berlin until the performance of the agreement of the Heads of Governments made in Geneva, July 23, 1955, "that the settlement of the German question and the reunification of Germany by means of free elections shall be carried out in conformity with the national interests of the German people and the interests of European security."

(b) Free and unrestricted access to West Berlin by land, water, and air should continue for all persons, goods and communications, including those of the forces stationed there, in accordance with the procedures in effect on June 30, 1961.

(c) The Four Powers would not increase their forces in Berlin beyond the numbers currently within the city.

(d) The Four Powers would not bring into the city nuclear weapons of any kind.

3. The Four Powers would enter into a non-aggression pact which would last so long as the arrangement regarding Berlin under 2, above, is being observed. When German unification is achieved, it would be replaced by more permanent arrangements to be devised in the Four Power Commission, as set forth below.

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4. In order to facilitate further the solution of political problems and the improvement of international relations, the Four Powers would, in the Four Power Commission referred to in paragraph 1, initiate discussion of staged and controlled measures to assure European security and to safeguard against attack in Europe. These measures would come into effect in Stages II and III of this Plan, as might be agreed by the Four Powers.

#### STAGE II

5. Bearing in mind the complex issues involved in reunification, a transitional period would be agreed. The Four Powers would set up a Mixed German Committee.

6. The Mixed Committee would consist of 25 members from the Federal Republic of Germany and 10 members from the so-called "German Democratic Republic". These members would be appointed by the Federal Government and the authorities of the so-called German Democratic Republic respectively.

7. The Mixed Committee would take its decisions by a three quarter majority.

8. The Mixed Committee would be entrusted with the task of formulating proposals:

(a) To coordinate and expand technical contact between the two parts of Germany, and to increase mutually beneficial trade and credits between the two parts of Germany:

(b) To ensure the free movement of persons, ideas and publications between the two parts of Germany;

(c) To ensure and guarantee human rights in both parts of Germany;

(d) For a draft law providing for general, free and secret elections under independent supervision.

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9. The Mixed Committee would transmit any proposals made by it under subparagraphs (a) to (c) inclusive of paragraph 8 above to the appropriate authorities in both parts of Germany. Such proposals, if no objections are raised with respect of them, should be implemented as appropriate in both parts of Germany.

10. (a) Any agreed proposal for an electoral law in accordance with subparagraph (d) of paragraph 8 above would be submitted to a plebiscite in both parts of Germany.

(b) If any proposal for an electoral law obtained a majority of valid votes in each of the two parts of Germany, it would acquire the force of law and be directly applicable for the entire electoral area.

(c) The Four Powers would, at the time of signature of the agreement, expressly authorize the competent German authorities to promulgate any electoral law so approved.

(d) The Four Powers would adopt a statute providing for the supervision of the plebiscite.

11. If all-German elections had not been held on or before the termination of a thirty months' period beginning on the date of the signing of the agreement, the Four Powers would determine the disposition to be made of the Committee.

12. Not later than two and a half years after the signature of the agreement, elections for an all-German Assembly would be held in both parts of Germany under the terms of the electoral law drafted by the Mixed Committee, approved by the Four Powers and adopted by the German people in a plebiscite (in accordance with the provisions in Stage II above).

13. The elections would be supervised by a supervisory commission and supervisory teams throughout all of Germany. The commission and teams would be composed of either (a) United Nations personnel and representatives of both parts of Germany,

or (b)



or (b) representatives of the Four Powers and representatives of both parts of Germany.

14. The all-German Assembly would have the task of drafting an all-German constitution. It would exercise such powers as are necessary to establish and secure a liberal, democratic and federative system.

15. As soon as an all-German Government has been formed on the basis of the above mentioned constitution it would replace the governments of the Federal Republic and the so-called German Democratic Republic and would have:

(a) full freedom of decision in regard to internal and external affairs, subject to the rights retained by the Four Powers as stipulated in paragraph 16 below;

(b) responsibility for negotiating, as soon as possible after its establishment, an all-German Peace Treaty.

16. Pending the signature of a Peace Treaty with an all-German Government formed on the basis of the all-German constitution, the Four Powers would retain only those of their rights and responsibilities which relate to Berlin and Germany as a whole, including reunification and a peace settlement and, as now exercised, to the stationing of armed forces in Germany and the Protection of their security.

#### STAGE IV

Since a final Peace settlement can only be concluded with a Government representing all Germany, it should be concluded at this stage. The Settlement should be open to signature by all states members of the U.N. which were at war with Germany. The Settlement should enter into force when ratified by the Four Powers and by Germany.

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TAB B

## PROPOSED REVISION OF SOLUTION "C"

1. The Governments of France, the United Kingdom, and the United States, while fully reserving their positions as regards the juridical aspects of the problem:<sup>1</sup>

(a) Take cognizance of the attached declarations of the Government of the USSR and the so-called German Democratic Republic relating to the maintenance of free and unrestricted access to West Berlin by land, by water, and by air for all persons, goods, and communications, including those of Western forces stationed in Berlin, in accordance with the procedures in effect in June, 1961.

(b) Declare that, on a reciprocal basis, measures will be taken, consistent with fundamental rights and liberties, to avoid activities in or with respect to Berlin which might either disturb public order or seriously affect the rights or interests, or amount to interference in the internal affairs of others.

(c) Declare that, so long as the Declarations concerning free access are being observed, they will not

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<sup>1</sup> In a concomitant declaration to make this reservation explicit, the Western Powers would state that: (a) they consider that they have absolute and unqualified rights, until Berlin is once more the capital of a reunified Germany, and that these rights include the right to have their troops remain in West Berlin and to have freedom of communications maintained between West Berlin and the Federal Republic in the same general conditions as hitherto; (b) they continue to hold the Soviet Government ultimately responsible for the fulfillment of its obligations to the Three Powers in relation to their presence in Berlin and freedom of access thereto.

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station more than 11,000 (present level) members of their armed forces in West Berlin and will not bring into the city ballistic missiles or nuclear weapons of any kind.

(d) Will request the Secretary General of the United Nations to provide a representative supported by adequate staff, to be established in Berlin and along the access routes for the purpose of reporting to the Secretary General concerning any activities which appear to be in conflict with the foregoing declarations.

2. The Government of the USSR declares that it associates itself with the declaration of the Government of the German Democratic Republic relating to the maintenance of free and unrestricted access to West Berlin by land, by water, and by air for all persons, goods, and communications, including those of the Western forces stationed in Berlin, in accordance with the procedures in effect in June, 1961.

3. The Government of the German Democratic Republic declares that free and unrestricted access will be maintained to West Berlin by land, by water, and by air for all persons, goods, and communications, including those of Western forces stationed in Berlin, in accordance with the procedures in effect in June, 1961.